

# **EXHIBIT 1**

**BY EMAIL**

July 27, 2020

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**USA v. Thompson, 2:19-cr-00159-RSL**

Dear Counsel,

Pursuant to the subpoena issued on May 4, 2020 (the “Subpoena”) and consistent with the agreement that Counsel for Ms. Thompson and counsel for Capital One reached during the meet-and-confer meeting on April 30, 2020 (the “Meet and Confer”), Capital One is producing a set of documents with the corresponding Bates Range: CONE00000003 - CONE00000220. As agreed during the Meet and Confer, the production includes: documents sufficient to show indications of the relevant misconfiguration from March 12, 2019 until the date of Capital One’s referral of the incident at issue in the abovementioned criminal proceeding to law enforcement (the “Incident”) (Request #1); communications involving Capital One’s Chief Information Security Officer (“CISO”) at the time of the Incident relating to Paige Thompson’s alleged exploitation of the company’s misconfiguration of its cloud infrastructure from March 12, 2019 until the date of Capital One’s referral of the Incident to law enforcement (Request #2); documents from Capital One’s responsible disclosure program that helped identify the Incident (Request #4 & #9); the log files related to the Incident produced to the United States Attorney’s Office for the Western District of Washington on July 23, 2019 (Request # 5); and communications between, on the one hand, the CISO and/or the Chief Information Officer of Capital One at the time of the Incident and, on the other hand, anyone at Amazon Web Services relating to the Incident (documents covered by the common interest privilege are not included in this production) (Request #8).

Materials produced here have been designated CONFIDENTIAL –COUNSEL ONLY in accordance with the definitions provided in the Protective Order dated July 24, 2020 (“Protective Order”).

As both parties have noted on our meet-and-confer calls, we are each reserving all rights with respect to the Subpoena. In particular, Capital One’s provision of these documents in advance of the Subpoena’s return date in no way waives Capital One’s rights to object to the requests in the Subpoena. As we have previously noted in writing and on our calls, Capital One believes that the requests, as drafted, are objectionable because they are, among other things, overbroad, vague and irrelevant. Similarly, your acceptance of these documents is not an agreement that the documents satisfy the outstanding requests.

Rather than further enumerate our respective clients’ positions, the parties have instead agreed to work cooperatively and continue to remain in contact regarding the Subpoena.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. J. Pastore, Jr.", with a stylized flourish at the end.

James J. Pastore, Jr.

Enclosure